

AUG 08 2007

Remarks

Applicants respectfully request the Examiner to enter this Amendment and to favorably consider their application. Allowance of the above-identified application is courteously solicited.

Applicants amend claims 14 and 33 to insert a subscript "n," which is consistent with claims 18 and 19 as previously presented, to overcome the formality objection. Applicants amend claim 32 to recite "n is 1" for the 'n' in the formula previously presented. The amendments find basis in the original specification, including original claims 18 and (n = 1 or 2). These claim amendments will reduce issues, avoid new matter, and avoid raising any new issues.

Applicants courteously submit their claims 14, 18, 19, 32 and 33 define unobvious inventions over U.S. Patent No. 5,814,111 to Graham.

Applicants' specification describes the use of fuel additives comprising alkyl-substituted aryl polyalkoxylates of the Formula (I) $R-(Ar)_n-(O-A)_m-OH$, in which the R, Ar, O, A, n and m are as defined in the claims presented for examination.

Graham would not have suggested the claimed inventions to a person of ordinary skill in the art, nor would such a person have been led to the claimed inventions. The claimed inventions as a whole unobviously differ from the Graham reference. The claims refer to $(O-A)_m$ whereas in the Graham formula (I) at column 3 there is $(R-O)_m$. The claims refer to $-OH$ whereas in the Graham formula (1) at column 3 R^2 is not $-OH$ even if, as suggested in the Office Action at page 3, R^2 is H. Applicants appreciate the Office Action acknowledges that "Graham differs from the claims in that he does not specifically teach that R^1 of his invention is a polyalkylene group."

The deficiencies in the Graham reference remain notwithstanding the Office

Action making reference to the discussion in Graham at column 1, lines 29-48. Graham refers to U.S. Patent No. 3,901,665 but presents a formula that omits chemical bonds, which is incorrect. Besides, even as disclosed in Graham there is no " $R(Ar)_n(OA)_m$ " shown for the mentioned '665 patent. The formula in Graham at column 3 has $-(RO)_n-$ not $-(OA)_m-$. The two references therefore actually appear to teach away from each other. In short, there would have been no reason presented for an ordinary person to undertake the molecular modifications to Graham opposite to what Graham shows.¹ The claimed inventions are therefore unobvious.

For the foregoing reasons, the applicant suggests claims 14, 18-19, 32 and 33 are in condition for allowance.

Respectfully submitted,

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Date: August 8, 2007

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¹ In re Lalu, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984) ("We are, however, persuaded that the board erred in its conclusion of prima facie obviousness. ... In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification. In re Taborsky, 502 F.2d 775, 780, 183 U.S.P.Q. (BNA) 50, 55 (CCPA 1974). The prior art must provide one of ordinary skill in the art the motivation to make the proposed molecular modifications needed to arrive at the claimed compound. In re Steminski, 58 C.C.P.A. 1410, 444 F.2d 581, 586, 170 U.S.P.Q. (BNA) 343, 347 (CCPA 1971), Taborsky, 502 F.2d at 781, 183 U.S.P.Q. at 55, In re Murch, 59 C.C.P.A. 1277, 464 F.2d 1051, 175 U.S.P.Q. 89 (1972), In re Fay, 52 C.C.P.A. 1483, 347 F.2d 597, 146 U.S.P.Q. (BNA) 47 (1965).")